

**REAL ESTATE BOARD
MINUTES
FEBRUARY 24, 2005**

PRESENT: Richard Kollmansberger, Rebecca Dysland, Lloyd Levin, Peter Sveum, Maria Watts, Lisabeth Weirich

STAFF PRESENT: Roxanne Peterson, Direct Licensing Coordinator; William Black, Legal Counsel and Division of Enforcement Staff

GUESTS: Rick Staff, WRA

CALL TO ORDER

Richard Kollmansberger, Chair, called the meeting to order at 10:00 a.m. A quorum of seven members was present.

Lloyd Levin announced that he has sold all financial interest in the Robbins and Lloyd Career Training Institute.

ADOPTION OF AGENDA

Additions to Agenda:

- Under Case Closings, add 03 REB 118.

MOTION: Lloyd Levin, moved, seconded by Maria Watts, to adopt the agenda with additions. Motion carried unanimously.

APPROVAL OF MINUTES (12/2/04)

MOTION: Peter Sveum moved, seconded by Rebecca Dysland, to approve the minutes as written. Motion carried unanimously.

ELECTION OF OFFICERS

MOTION: Peter Sveum moved, seconded by Maria Watts, to nominate Richard Kollmansberger as Chair; that nominations be closed and that a unanimous ballot be cast. Motion carried unanimously.

MOTION: Maria Watts moved, seconded by Lisabeth Weirich, to nominate Peter Sveum as Vice Chair; that nominations be closed and that a unanimous ballot be cast. Motion carried unanimously.

MOTION: Lloyd Levin moved, seconded by Rebecca Dysland, to nominate Maria Watts as Secretary; that nominations be closed and that a unanimous ballot be cast. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

- i. Robin R. Babb, Raymond C. Babb, dba Babb Real Estate (02 REB 070, 03 REB 003)
- ii. Ryan J. Leaver, dba Madison Realty (04 REB 168)
- iii. Thomas D. Malone (03 REB 207)
- iv. Gail A. Miller (02 REB 216)
- v. William Neiss (02 REB 208)
- vi. Harvey A. Rich (02 REB 169)
- vii. Richard F. Salewski (02 REB 286)
- viii. Sally J. Towne & Star Team Inc. (03 REB 195)

ADMINISTRATIVE REPORT – ROXANNE PETERSON

Budget Report

Sandra M. Rowe, Deputy Secretary, met with the Board to discuss the Governor's budget proposal and its impact on the Department and the Board.

Board Roster

No changes reported.

2005 Board Meeting Dates

The April 28, 2005, meeting was rescheduled to May 12, 2005.

Summary Reports on Pending Court Cases, Disciplinary Cases, Administrative Rules and Legislation

Noted

Department's Out-of-State Travel Policy

Roxanne Peterson explained the Department's out-of-state travel policy advising that the Department will fund one Board member for one meeting in a fiscal year, upon a motion made by the Board designating its representative and upon Department approval.

The Board received a copy of the Office of State Employment Relations Pocket Travel Brochure and other informational documents relating to travel.

Invitations for Speaking Engagements Policy

Roxanne Peterson explained the Department's policy regarding in-state speaking engagements.

Hotel Cancellation Policy

Roxanne Peterson clarified the Department's policy that if a Board member is not going to use a reserved hotel room, it is the responsibility of the Board member to cancel the room by calling the hotel themselves. If the room is not cancelled and the Department is billed for the room, it is the responsibility of the Board member to pay the bill.

Quorum Confirmation Policy

Roxanne Peterson advised that a staff person will be contacting all Board members about 3 days before the meeting to make sure that there will be a quorum. She requested that the Board members notify her as soon as possible if they will not be able to attend the scheduled meeting so arrangements can be made if a quorum cannot be met.

ADMINISTRATIVE RULES

RL 17 Re: Supervision

Nothing to report.

PRACTICE QUESTIONS

None.

PUBLIC COMMENTS

Rick Staff, WRA, provided the Board with a draft proposal to modernize Chapter 452, Stats. The Chair requested that this issue be placed on the next agenda for discussion.

CLOSED SESSION

MOTION: Lloyd Levin moved, seconded by Rebecca Dysland, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; to consider licensure or discipline (s. 19.85(1) (b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.; and, to confer with legal counsel (s. 19.85(1) (g), Stats. to consider case closings, monitoring reports, deliberation on cases proposed to be closed by administrative warning. Roll Call Vote: Peter Sveum-yes; Lloyd Levin-yes; Maria Watts-yes; Rebecca Dysland-yes; Lisabeth Weirich-yes; Richard Kollmansberger-yes. Motion carried unanimously.

Open session recessed at 10:55 a.m.

RECONVENE TO OPEN SESSION

MOTION: Peter Sveum moved, seconded by Rebecca Dysland, to reconvene into Open Session at 11:10 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MONITORING REPORT

None.

CASE CLOSINGS

MOTION: Lloyd Levin moved, seconded by Rebecca Dysland, to close the following cases. Motion carried unanimously.

- 01 REB 107 & 01 REB 261 for prosecutorial discretion (P5) against Sparks White Investments Inc. and for prosecutorial discretion (P3) against Lauren Stockdale Sparks.
- 01 REB 338 for prosecutorial discretion (P5) against Thomas Krieger and for prosecutorial discretion (P3) against BSTV Inc. and Thomas Verette.
- 02 REB 027 for insufficient evidence.
- 02 REB 052 for prosecutorial discretion (P5).
- 02 REB 096 for prosecutorial discretion (P1).
- 02 REB 146 for insufficient evidence.
- 02 REB 149 for prosecutorial discretion (P5) against Sparks White Investments Inc. and for prosecutorial discretion (P3) against Lauren Stockdale Sparks.
- 02 REB 193 for no violation against the supervisor and the agency and administrative warning for the licensee.
- 02 REB 195 for prosecutorial discretion (P1).
- 02 REB 223 for prosecutorial discretion (P1).
- 02 REB 251 for L1 against Maan de Kok and prosecutorial discretion (P1) against Landquest.
- 02 REB 255 for no violation.
- 02 REB 281 for no violation against Fouts and Edina and prosecutorial discretion (P5) against Palmersheim.
- 03 REB 018 for no violation.
- 03 REB 037 for insufficient evidence.
- 03 REB 092 for prosecutorial discretion (P5) against Thomas Real Estate and lack of jurisdiction (L2) against Thomas Schultz.
- 03 REB 098 for no violation.
- 03 REB 112 for no violation.
- 03 REB 198 for prosecutorial discretion (P5).
- 03 REB 228 for prosecutorial discretion (P3).
- 03 REB 250 for prosecutorial discretion (P1) against Cox and no violation against Bell.
- 03 REB 276 for no violation.
- 03 REB 281 for prosecutorial discretion (P5).
- 04 REB 008 for prosecutorial discretion (P5).
- 04 REB 056 for no violation.
- 04 REB 060 for prosecutorial discretion.
- 03 REB 118 for prosecutorial discretion (P3)

ADMINISTRATIVE WARNINGS

- MOTION:** Peter Sveum moved, seconded by Lloyd Levin, to accept the administrative warning as written for case **02 REB 193 Martin G. Defatte**. Motion carried unanimously.
- MOTION:** Peter Sveum moved, seconded by Lloyd Levin, to accept the administrative warning as written for case **02 REB 266 Joani B. Hartley**. Motion carried unanimously.
- MOTION:** Peter Sveum moved, seconded by Lloyd Levin, to accept the administrative warning as written for case **02 REB 281 Nanci L. Johnson**. Motion carried unanimously.
- MOTION:** Peter Sveum moved, seconded by Lloyd Levin, to accept the administrative warning as written for case **02 REB 266 Judith A. Williams**. Motion carried unanimously.
- MOTION:** Peter Sveum moved, seconded by Lloyd Levin, to accept the administrative warning as written for case **03 REB 040 Rodney P. Hannon**. Motion carried unanimously.
- MOTION:** Peter Sveum moved, seconded by Lloyd Levin, to accept the administrative warning as written for case **03 REB 040 Dale Moore**. Motion carried unanimously.

STIPULATIONS

**ROBIN R. BABB, RAYMOND C. BABB, DBA
BABB REAL ESTATE (02 REB 070, 03 REB 003)**

- MOTION:** Lloyd Levin moved, seconded by Maria Watts, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Robin R. Babb, Raymond C. Babb, dba Babb Real Estate (02 REB 070, 03 REB 003)**. Motion carried unanimously.

RYAN J. LEAVER DBA MADISON REALTY (04 REB 168)

- MOTION:** Lloyd Levin moved, seconded by Maria Watts, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Ryan J. Leaver dba Madison Realty (04 REB 168)**. Motion carried unanimously.

THOMAS D. MALONE (03 REB 207)

MOTION: Lloyd Levin moved, seconded by Maria Watts, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Thomas D. Malone (03 REB 207)**. Motion carried unanimously.

GAIL A. MILLER (02 REB 216)

MOTION: Lloyd Levin moved, seconded by Maria Watts, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Gail A. Miller (02 REB 216)**. Motion carried unanimously.

WILLIAM NEISS (02 REB 208)

MOTION: Lloyd Levin moved, seconded by Maria Watts, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **William Neiss (02 REB 208)**. Motion carried unanimously.

HARVEY A. RICH (02 REB 169)

MOTION: Lloyd Levin moved, seconded by Maria Watts, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Harvey A. Rich (02 REB 169)**. Motion carried unanimously.

RICHARD F. SALEWSKE (02 REB 286)

MOTION: Lloyd Levin moved, seconded by Maria Watts, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Richard F. Salewske (02 REB 286)**. Motion carried unanimously.

SALLY J. TOWNE AND STAR TEAM INC. (03 REB 195)

MOTION: Lloyd Levin moved, seconded by Maria Watts, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Sally J. Towne and Star Team Inc. (03 REB 195)**. Motion carried unanimously.

ADJOURNMENT

MOTION: Rebecca Dysland moved, seconded by Peter Sveum, to adjourn the meeting at 12:15 p.m. Motion carried unanimously.